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Dated: February 15, 2005 Signature:

(Marco Jimenez)

Docket No.: 514312000100

Client reference: 01G07-US

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Osamu KURODA

Application No.: 09/873,478

Confirmation No.: 5835

Filed: June 4, 2001

Examiner: George R. Koch III

For: LIQUID PROCESSING APPARATUS AND
LIQUID PROCESSING METHOD

Art Unit: 1734

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This in response to the restriction requirement set forth in an Office Action dated December 15, 2004, for which a response was due on January 15, 2005, and for which a one-month extension of time is also requested to extend the time for response from January 15, 2005 to February 15, 2005.

Applicant notes with appreciation the courtesy of the Examiner during a telephone interview dated February 14, 2005. As discussed during the interview, the present application was initially subject to a restriction requirement between the apparatus claims (claims 1-44) and the method claims (45-50). Applicant provisionally elected claims 1-44 with traverse on November 30, 2004. The present Office Action dated December 15, 2004 notes this provisional election at page 3, paragraph 4.

It appears that the Examiner is now further restricting the apparatus claims (claims 1-44) between two species. Specifically, according to the Examiner, species A is illustrated in Fig. 2 and

is directed to an open close mechanism. Species B is illustrated in Fig. 6 and is directed to a carrier retreat device.

As discussed during the interview, Applicant is uncertain as to what the Examiner is referencing with respect to the “open close mechanism.” Fig. 2 illustrates a lid opening/closing mechanism 17. However, this mechanism is also illustrated in Fig. 6, although not expressly referenced. Furthermore, Fig. 6 illustrates a carrier retreat device 60. However, Applicant does not believe that device 60 is limited only to the embodiment illustrated in Fig. 6. Accordingly, Applicant traverses the restriction requirement.

In the interest of expediting prosecution, Applicant wishes to resolve any restriction issues that the Examiner may have. As the Examiner noted during the interview, Fig. 2 and Fig. 6 are directed to different embodiments. For example, Fig. 2 illustrates a wafer delivery device 19 and wafer transplanting device 21 and Fig. 6 illustrates a wafer delivery/posture changing device 70. It appears that the Examiner views this difference as a basis for the restriction requirement. Applicant respectfully requests that the Examiner confirm that this is the basis for the restriction requirement and, if so, Applicant respectfully elects the species A directed to Fig. 2 to expedite prosecution. The claims that read on Fig. 2 are claims 1-21 with claim 1 being at least one generic claim.

Applicant expressly reserves his right to consideration of claims directed to another species if any generic claims are allowed. Furthermore, Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application. Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**

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Account No. 03-1952 referencing docket no. 514312000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 15, 2004

Respectfully submitted,

By 

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